

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

THIRTY-FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, March 5, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Ron Walker, followed by the Pledge of Allegiance led by House page Joseph Updike.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirtieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Government Operations and Audit respectfully reports that it has had under consideration SB 165 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Dan Dryden, Chair

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 157 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 1 and returns the same with the recommendation that said bill be amended as follows:

1fd

On page 1 of the printed bill, delete line 14.

On page 2, delete lines 1 to 5, inclusive.

On page 2, line 9, of the printed bill, overstrike "six" and insert "four".

On page 2, line 9, overstrike "seven" and insert "five".

On page 2, line 12, delete everything after "tempore" and insert ", majority leader, and minority leader of the Senate and the speaker, majority leader, and minority leader of the House of".

On page 2, line 23, after "provisions" insert "of section 2".

1ftb

On page 1, line 2, of the printed bill, delete everything after "," and insert "to revise the membership of the Executive Board,".

On page 1, line 3, delete everything before "to provide" .

And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 158 and returns the same with the recommendation that said bill be amended as follows:

4 158ad

5 On page 2 of the Senate State Affairs Committee engrossed bill, delete lines 18 to 21,
6 inclusive.

7 On page 4, line 6, delete "section 3" and insert "section 2".

8 On page 4, line 10, delete "section 3" and insert "section 2".

9 And that as so amended said bill do pass.

10 Respectfully submitted,
11 David Lust, Chair

12 Also MR. SPEAKER:

13 The Committee on Appropriations respectfully reports that it has had under consideration
14 SB 44 and returns the same with the recommendation that said bill be amended as follows:

15 44aa

16 On page 2, line 6, of the Senate engrossed bill, delete "one dollar (\$1)" and insert "two
17 dollars (\$2)".

18 And that as so amended said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on Appropriations respectfully reports that it has had under consideration
21 SB 53 and returns the same with the recommendation that said bill be amended as follows:

22 53ab

23 On page 1, line 4, of the Senate Appropriations Committee engrossed bill, delete "one
24 dollar (\$1)," and insert "two dollars (\$2),".

25 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 177 and returns the same with the recommendation that said bill be amended as follows:

4 177hb

5 On page 1, line 5, of the Senate engrossed bill, delete "twenty-one million" and insert "ten
6 million dollars (\$10,000,000),".

7 On page 1, line 6, delete everything before "or" .

8 On page 1, delete line 7, and insert "ten million eight hundred eighty-five thousand five
9 hundred forty-seven dollars (\$10,885,547) of".

10 On page 1, line 11, delete everything after "related to" .

11 On page 1, line 12, delete "related to".

12 And that as so amended said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Appropriations respectfully reports that it has had under consideration
15 SB 135 which was tabled.

16 Also MR. SPEAKER:

17 The Committee on Appropriations respectfully reports that it has had under consideration
18 SB 184 which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Fred W. Romkema, Chair

21 Also MR. SPEAKER:

22 The Committee on Education respectfully reports that it has had under consideration
23 SB 106 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration
3 SB 145 and returns the same with the recommendation that said bill do pass and be placed on
4 the consent calendar.

5 Respectfully submitted,
6 Jacqueline Sly, Chair

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration SB 85
9 and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on Judiciary respectfully reports that it has had under consideration SB 26,
12 68, 81, 118, and 125 and returns the same with the recommendation that said bills do pass and
13 be placed on the consent calendar.

14 Also MR. SPEAKER:

15 The Committee on Judiciary respectfully reports that it has had under consideration SB 23
16 and returns the same with the recommendation that said bill be amended as follows:

17 23ob

18 On page 4, line 7 of the printed bill, after "cancellation" insert "of any hotel, motel,
19 campsite, or other lodging accommodation".

20 On page 4, line 9, delete "." and insert ";".

21 On page 4, delete lines 10 to 12, inclusive.

22 And that as so amended said bill do pass.

23 Also MR. SPEAKER:

24 The Committee on Judiciary respectfully reports that it has had under consideration SB 25
25 and returns the same with the recommendation that said bill be amended as follows:

1 25ja

2 On page 8, line 14, of the printed bill, delete "in claim to the conveyance" and insert "to
3 the claims".

4 And that as so amended said bill do pass.

5 Respectfully submitted,
6 Brian G. Gosch, Chair

7 Also MR. SPEAKER:

8 The Committee on Commerce and Energy respectfully reports that it has had under
9 consideration SB 99 and returns the same with the recommendation that said bill be amended
10 as follows:

11 99sa

12 On the Senate State Affairs Committee engrossed bill, delete everything after the enacting
13 clause and insert:

14 " Section 1. That § 58-18-88 be amended to read as follows:

15 58-18-88. A self-funded multiple employer trust, as defined in section 3 of the federal
16 Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002, paragraph 40, may be
17 authorized by the director if the multiple employer trust meets all of the following conditions:

18 (1) The multiple employer trust is administered by an authorized insurer or a licensed
19 third-party administrator;

20 (2) The multiple employer trust meets all of the requirements of § 58-18B-59;

21 (3) The multiple employer trust is established by a homogenous trade, industry, or
22 professional association of employers that has a constitution or bylaws, is organized
23 under the laws of South Dakota and has been maintained in good faith for purposes
24 other than providing insurance for at least ten continuous years;

25 (4) The association sponsoring the multiple employer trust is engaged in substantial
26 activity for its members other than sponsorship of an employer welfare benefit plan;

27 (5) The association sponsoring the multiple employer trust is a nonprofit entity organized
28 under applicable South Dakota law;

29 (6) The multiple employer trust, upon authorization by the director, participates in the
30 South Dakota Life and Health Insurance Guaranty Association pursuant to chapter
31 58-29C and is a member pursuant to subdivision 58-29C-48(12);

1 (7) The multiple employer trust:

2 (a) Meets the capital and surplus requirements of § 58-6-23;

3 (b) Meets the risk based capital requirements of § 58-4-48;

4 (c) Is subject to the hazardous financial condition requirements of §§ 58-4-39 to
5 58-4-42, inclusive;

6 (d) Invests its assets pursuant to the requirements of chapters 58-26 and 58-27;

7 (e) Is subject to chapter 58-3 on the same basis as insurers;

8 (f) Is subject to the insurers supervision, rehabilitation, and liquidation provisions
9 of chapter 58-29B.

10 The director may authorize a multiple employer trust that is not an association meeting the
11 requirements of subdivisions (2) to (5), inclusive, of this section, if the multiple employer trust
12 is comprised exclusively of employers engaged in a common industry for which there is some
13 degree of common ownership, the ownership of two or more participating employers has existed
14 since July 1, 2007, the employers forming the trust were previously providing health benefits
15 collectively to their employees in this state, and the director finds that authorizing the multiple
16 employer trust pursuant to this section is in the public interest."

17 And that as so amended said bill do pass and be placed on the consent calendar.

18 Also MR. SPEAKER:

19 The Committee on Commerce and Energy respectfully reports that it has had under
20 consideration SB 114 and 170 which were deferred to the 41st Legislative Day.

21 Respectfully submitted,
22 Roger D. Solum, Chair

23 **MESSAGES FROM THE SENATE**

24 MR. SPEAKER:

25 I have the honor to return herewith HB 1120 and 1192 which have been amended by the
26 Senate and your concurrence in the amendments is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HB 1013, 1022, 1034, 1106, 1132, 1133, 1134, 1150,
3 1159, 1168, 1180, 1201, and 1212 which have passed the Senate without change.

4 Respectfully,
5 Jeannette Schipper, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Sly moved that the House do concur in Senate amendments to HB 1033.

8 The question being on Rep. Sly's motion that the House do concur in Senate amendments
9 to HB 1033.

10 And the roll being called:

11 Yeas 70, Nays 0, Excused 0, Absent 0

12 Yeas:

13 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
14 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
15 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
16 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
17 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
18 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
19 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
20 Wick; Wink; Wismer; Speaker Gosch

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the motion carried and the amendments were concurred in.

23 Rep. Johns moved that the House do concur in Senate amendments to HB 1054.

24 The question being on Rep. Johns' motion that the House do concur in Senate amendments
25 to HB 1054.

26 And the roll being called:

27 Yeas 68, Nays 2, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Westra; Wick;
9 Wink; Wismer; Speaker Gosch

10 Nays:

11 Latterell; Werner

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the motion carried and the amendments were concurred in.

14 Rep. Bartling moved that the House do not concur in Senate amendments to HB 1069 and
15 that a committee of three on the part of the House be appointed to meet with a like committee
16 on the part of the Senate to adjust the differences between the two houses.

17 Which motion prevailed and the Speaker appointed as such committee Reps. Johns,
18 Don Haggar, and Bartling.

19 Rep. Werner moved that the House do concur in Senate amendments to HB 1185.

20 The question being on Rep. Werner's motion that the House do concur in Senate
21 amendments to HB 1185.

22 And the roll being called:

23 Yeas 64, Nays 6, Excused 0, Absent 0

24 Yeas:

25 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
26 Duvall; Feickert; Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley;
27 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer;
28 Kirschman; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup
29 (David); Olson (Betty); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
30 Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
31 Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

32 Nays:

33 Ecklund; Erickson; Gibson; Kopp; Otten (Herman); Russell

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion carried and the amendments were concurred in.

Rep. Lust moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on Thursday, March 6, the 32nd legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Lust moved that the report of the Standing Committee on Taxation on SB 176 as found on page 625 of the House Journal be adopted.

Which motion prevailed.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 161: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to notice provided by mineral developers.

Was read the second time.

The question being "Shall SB 161 pass as amended?"

And the roll being called:

Yeas 67, Nays 2, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Nays:

Kaiser; Russell

Excused:

Hunhoff (Bernie)

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

1 SB 24: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
2 pseudoephedrine, ephedrine, or phenylpropanolamine sales.

3 Was read the second time.

4 The question being "Shall SB 24 pass as amended?"

5 And the roll being called:

6 Yeas 67, Nays 2, Excused 1, Absent 0

7 Yeas:

8 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
9 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
10 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Johns; Killer;
11 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;
12 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
13 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;
14 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

15 Nays:

16 Kaiser; Russell

17 Excused:

18 Hunhoff (Bernie)

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 SB 21: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
22 collection and setting of 24/7 sobriety program fees and regarding the monitoring of ignition
23 interlock testing.

24 Was read the second time.

25 The question being "Shall SB 21 pass as amended?"

26 And the roll being called:

27 Yeas 67, Nays 2, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Johns; Killer;
5 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;
6 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;
8 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Kaiser; Russell

11 Excused:

12 Hunhoff (Bernie)

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 Rep. Lust moved that SB 87 be placed to precede SB 2 on today's calendar.

17 Which motion prevailed.

18 SB 87: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
19 environment fund, the water pollution control revolving fund subfund, and the drinking water
20 revolving fund subfund for various water and environmental purposes, and to declare an
21 emergency.

22 Was read the second time.

23 The question being "Shall SB 87 pass?"

24 And the roll being called:

25 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 Excused:

11 Bartling

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the Speaker declared the bill passed and the title was agreed to.

14 SB 2: FOR AN ACT ENTITLED, An Act to provide for the delayed arrest, under certain
15 circumstances, in regard to certain outstanding warrants for victims of domestic abuse with
16 minor children.

17 Was read the second time.

18 The question being "Shall SB 2 pass as amended?"

19 And the roll being called:

20 Yeas 68, Nays 1, Excused 1, Absent 0

21 Yeas:

22 Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
23 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
24 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
25 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
26 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
27 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
28 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner; Westra; Wick;
29 Wink; Wismer; Speaker Gosch

30 Nays:

31 Verchio

32 Excused:

33 Bartling

34 So the bill having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the bill passed and the title was agreed to.

SB 3: FOR AN ACT ENTITLED, An Act to provide for continuity in the judicial review of certain lawsuits, complaints, and petitions between parties to a petition for certain protection orders.

Was read the second time.

The question being "Shall SB 3 pass as amended?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

Yeas:

Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Bartling

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 7: FOR AN ACT ENTITLED, An Act to modify the persons eligible for protection from domestic abuse and to revise certain terminology.

Was read the second time.

7jc

Rep. Johns moved that SB 7 be amended as follows:

On page 1, line 8, of the House Judiciary Committee engrossed bill, delete "or has been".

On page 3, line 6, after "consider" insert ", among others, ".

On page 3, line 9, delete everything after "relationship" and insert ".".

On page 3, delete line 10.

Which motion prevailed.

1 The question being "Shall SB 7 pass as amended?"

2 And the roll being called:

3 Yeas 56, Nays 14, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Dryden; Duvall; Ecklund;
6 Erickson; Feickert; Feinstein; Gibson; Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert;
7 Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Lust; Magstadt; May;
8 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
9 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly;
10 Soli; Solum; Stalzer; Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer

11 Nays:

12 Craig; Cronin; Greenfield; Haggar (Don); Haggar (Jenna); Hickey; Kopp; Langer; Latterell;
13 Nelson; Russell; Steele; Verchio; Speaker Gosch

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 SB 163: FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the
17 underage consumption of alcoholic beverages on the social host's premises and to provide
18 penalties therefor.

19 Was read the second time.

20 The question being "Shall SB 163 pass as amended?"

21 And the roll being called:

22 Yeas 61, Nays 9, Excused 0, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Dryden; Duvall;
25 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
26 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
27 Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Munsterman; Novstrup
28 (David); Otten (Herman); Parsley; Peterson; Qualm; Ring; Romkema; Rounds; Rozum; Russell;
29 Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
30 Werner; Westra; Wick; Wink; Wismer

31 Nays:

32 Cronin; Kaiser; Langer; May; Nelson; Olson (Betty); Rasmussen; Schrempp; Speaker Gosch

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

SB 22: FOR AN ACT ENTITLED, An Act to authorize the issuance of citations for certain livestock inspection violations.

Was read the second time.

The question being "Shall SB 22 pass?"

And the roll being called:

Yeas 70, Nays 0, Excused 0, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 104: FOR AN ACT ENTITLED, An Act to authorize the use of night vision equipment for hunting under certain conditions.

Was read the second time.

104tc

Rep. Hoffman moved that SB 104 be amended as follows:

On page 1, line 13, of the Senate engrossed bill, delete everything after "light" and insert ", and night vision equipment except during the time when deer or elk hunting seasons are open, on the owner's or occupant's".

Which motion lost.

The question being "Shall SB 104 pass as amended?"

And the roll being called:

Yeas 62, Nays 8, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Heinemann (Leslie); Heinert; Hickey; Hunhoff (Bernie); Kaiser; Killer; Kirschman; Kopp;
5 Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David);
6 Olson (Betty); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer;
7 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
8 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Carson; Erickson; Hawks; Hawley; Hoffman; Johns; Otten (Herman); Romkema

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 SB 122: FOR AN ACT ENTITLED, An Act to provide for certain insurance coverage for
14 the treatment of hearing impairments for persons under the age of nineteen.

15 Was read the second time.

16 The question being "Shall SB 122 pass as amended?"

17 And the roll being called:

18 Yeas 60, Nays 10, Excused 0, Absent 0

19 Yeas:

20 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
21 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;
22 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer;
23 Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman; Novstrup (David);
24 Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rozum; Schaefer;
25 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner;
26 Westra; Wink; Wismer; Speaker Gosch

27 Nays:

28 Anderson; Greenfield; Kaiser; Latterell; Nelson; Olson (Betty); Rounds; Russell; Verchio; Wick

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the bill passed and the title was agreed to.

31 SB 183: FOR AN ACT ENTITLED, An Act to revise the trust fund requirements for
32 perpetual cemeteries.

33 Was read the second time.

1 183jd

2 Rep. Hoffman moved that SB 183 be amended as follows:

3 On page 3, line 9, of the House Health and Human Services Committee engrossed bill,
4 after "." insert "Each perpetual care cemetery shall submit a report to the secretary of state that
5 includes the name and address of the licensed banking institution and the account numbers of
6 the principal account and the earnings account by April 1, 2014.

7 Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,
8 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
9 effect from and after its passage and approval."

10 Which motion prevailed.

11 The question being "Shall SB 183 pass as amended?"

12 And the roll being called:

13 Yeas 70, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
16 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
17 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
18 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
19 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
20 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
21 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
22 Wick; Wink; Wismer; Speaker Gosch

23 So the bill having received an affirmative vote of a two-thirds majority of the members-
24 elect, the Speaker declared the bill passed.

25 The question being on the title.

26 183jta

27 Rep. Hoffman moved that the title to SB 183 be amended as follows:

28 On page 1, line 2, of the House Health and Human Services Committee engrossed bill,
29 after "cemeteries" insert ", and to declare an emergency".

30 Which motion prevailed and the title was so amended.

1 Rep. Lust moved that SB 28, 94, 17, 16, 20, 141, 37, 38, 18, and 15 be deferred to
2 Thursday, March 6, the 32nd legislative day.

3 Which motion prevailed.

4 There being no objection, the House reverted to Order of Business No. 7.

5 **MESSAGES FROM THE SENATE**

6 MR. SPEAKER:

7 I have the honor to inform your honorable body that the Senate has concurred in House
8 amendments to SB 63, 154, and 182.

9 Also MR. SPEAKER:

10 I have the honor to inform your honorable body that HJR 1002 was lost on second reading
11 and final passage.

12 Also MR. SPEAKER:

13 I have the honor to inform your honorable body that the Senate has appointed Sens. Vehle,
14 Kirkeby, and Sutton as a committee of three on the part of the Senate to meet with a like
15 committee on the part of the House to adjust the differences between the two houses on
16 HB 1069.

17 Respectfully,
18 Jeannette Schipper, Secretary

19 There being no objection, the House reverted to Order of Business No. 5.

20 **REPORTS OF STANDING COMMITTEES**

21 MR. SPEAKER:

22 The Committee on Legislative Procedure respectfully reports that HB 1043, 1091, 1151,
23 and 1200 were delivered to his Excellency, the Governor, for his approval at 10:50 a.m.,
24 March 5, 2014.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1013, 1022, 1034, 1106, 1132, 1133, 1134, 1150,
4 1159, 1168, 1180, 1201, and 1212 and finds the same correctly enrolled.

5 Respectfully submitted,
6 Brian G. Gosch, Chair

7 **SIGNING OF BILLS**

8 The Speaker publicly read the title to

9 HB 1013: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
10 Authority to finance the construction of improvements in the state park system for the
11 Department of Game, Fish and Parks and to declare an emergency.

12 HB 1022: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to
13 purchase improved property in Spearfish and to make an appropriation therefor.

14 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dam
15 maintenance and repair funding and to declare an emergency.

16 HB 1106: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
17 provisions regarding the sale of petroleum products.

18 HB 1132: FOR AN ACT ENTITLED, An Act to make a minor's school calendar the
19 reference point from which to permit employment that would not interfere with the minor's
20 education.

21 HB 1133: FOR AN ACT ENTITLED, An Act to repeal or revise certain provisions
22 concerning townships.

23 HB 1134: FOR AN ACT ENTITLED, An Act to clarify certain municipal powers.

24 HB 1150: FOR AN ACT ENTITLED, An Act to require that the pledge of allegiance to
25 the flag of the United States be recited at the start of each school day in every public school
26 classroom.

27 HB 1159: FOR AN ACT ENTITLED, An Act to revise the documentation requirements
28 for designation as a veteran on driver licenses, permits, and nondriver identification cards.

29 HB 1168: FOR AN ACT ENTITLED, An Act to provide for additional safety measures
30 on amusement rides and to provide a penalty for failure to properly insure an amusement ride
31 or device.

1 HB 1180: FOR AN ACT ENTITLED, An Act to provide that no entity that places children
2 for adoption or performs abortions may be registered as a pregnancy help center.

3 HB 1201: FOR AN ACT ENTITLED, An Act to revise the bank franchise tax
4 apportionment of income provisions.

5 HB 1212: FOR AN ACT ENTITLED, An Act to provide for fair and open competition in
6 certain governmental contracts, to prohibit the inclusion of certain terms in governmental
7 contracts and documents, and to establish a procedure to grant certain exemptions after notice
8 and a public hearing.

9 SB 4: FOR AN ACT ENTITLED, An Act to ensure notice to the respondent and
10 opportunity for the respondent to be heard prior to enforcement of certain foreign domestic
11 protection orders.

12 SB 19: FOR AN ACT ENTITLED, An Act to increase expenditure authority to
13 accommodate donations to projects at Black Hills State University and Northern State
14 University, to authorize the acquisition and renovation of improved real property for a project
15 at Dakota State University, and to declare an emergency.

16 SB 40: FOR AN ACT ENTITLED, An Act to allow a surviving spouse of a member of the
17 South Dakota Retirement System to elect a reduced benefit prior to age sixty-five under certain
18 circumstances.

19 SB 41: FOR AN ACT ENTITLED, An Act to revise the definition of penitentiary
20 correctional staff for purposes of administering the South Dakota Retirement System.

21 SB 42: FOR AN ACT ENTITLED, An Act to authorize certain former state cement plant
22 employees and surviving spouses to elect a lump sum trustee-to-trustee payment in lieu of
23 monthly benefit payments.

24 SB 43: FOR AN ACT ENTITLED, An Act to revise the calculation of disability benefits
25 and certain benefits payable upon death of members of the South Dakota Retirement System.

26 SB 45: FOR AN ACT ENTITLED, An Act to revise the Real Estate Commission's grounds
27 for disciplinary actions on home inspectors.

28 SB 47: FOR AN ACT ENTITLED, An Act to establish new criteria for the certification,
29 licensure, and registration of real estate appraisers.

30 SB 48: FOR AN ACT ENTITLED, An Act to require appraisal management companies
31 to maintain a surety bond or irrevocable letter of credit.

32 SB 49: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding private
33 placement policies.

34 SB 51: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
35 regulation of tobacco.

1 SB 74: FOR AN ACT ENTITLED, An Act to provide for the consideration of joint
2 physical custody of a minor.

3 SB 98: FOR AN ACT ENTITLED, An Act to allow certain municipalities to charge a
4 higher occupational tax.

5 SB 103: FOR AN ACT ENTITLED, An Act to establish certain civil penalties for
6 tampering or removing any highway marker, sign, or control device and to distribute the revenue
7 from such civil penalties.

8 SB 147: FOR AN ACT ENTITLED, An Act to revise the composition of the governing
9 body of a health maintenance organization.

10 SB 150: FOR AN ACT ENTITLED, An Act to allow use of supraglottic airway devices
11 by emergency medical technicians, and to declare an emergency.

12 SB 152: FOR AN ACT ENTITLED, An Act to make an appropriation to provide full
13 funding of the cement plant retirement plan, to consolidate the cement plant retirement plan with
14 the South Dakota Retirement System, and to declare an emergency.

15 SB 171: FOR AN ACT ENTITLED, An Act to recognize certain federal forms as sufficient
16 to direct the disposition of the body of a servicemember.

17 And signed the same in the presence of the House.

18 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
19 4:35 p.m. the House adjourned.

20 Arlene Kvislen, Chief Clerk